

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JOSE NUNEZ,)
Petitioner,)
vs.) CIVIL NO. 04-121-DRH
EDWIN R. BOWEN,)
Respondent.)

MEMORANDUM AND ORDER

HERNDON, District Judge:

Petitioner, an inmate in the Centralia Correctional Center, brings this habeas corpus action pursuant to 28 U.S.C. § 2254 to challenge the validity of his 1993 conviction in St. Clair County for drug trafficking, for which he is serving a 34-year sentence. Petitioner has filed a motion for judgment on the pleadings (Doc. 6), but such action is not warranted at this time; this motion is therefore **DENIED**.

IT IS HEREBY ORDERED that Respondent shall, within twenty-three (23) days of receipt of this application for Writ of Habeas Corpus, answer and show cause why the writ should not issue.

Service upon the Illinois Attorney General, Criminal Appeals Bureau, 100 West Randolph, 12th Floor, Chicago, Illinois 60601 shall constitute sufficient service.

IT IS FURTHER ORDERED that pursuant to Local Rule 72.1(a)(2), this cause is referred to a United States Magistrate Judge for further pre-trial proceedings.

IT IS FURTHER ORDERED that this entire matter be **REFERRED** to a United States Magistrate Judge for disposition, as contemplated by Local Rule 72.2(b)(2) and 28 U.S.C. § 636(c), *should all the parties consent to such a referral.*

IT IS SO ORDERED.

DATED: June 1, 2005

/s/ David RHerndon
DISTRICT JUDGE